REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the comments set forth fully below. Claims 1-20 and 22-35 were pending. Within the Office Action, Claims 1-20 and 22-35 have been rejected. By the above amendments, Claims 1, 5, 7, 9, 15, 22, 25, 27, 28 and 30-33 have been amended. Accordingly, Claims 1-20 and 22-35 are now pending.

Rejections Under 35 U.S.C. §112, Second Paragraph

Within the Office Action, Claim 15 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is stated that there is insufficient antecedent basis for the limitation "the media" within line 1 of Claim 15. By the above amendment, Claim 15 has been amended to change the limitation "the media" to the limitation "the medium" which has its antecedent basis in line 7 of Claim 1.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-15, 17-20 and 22-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,937,392 to Alberts (hereinafter "Alberts") in view of U.S. Patent No. 6,216,129 to Eldering (hereinafter "Eldering"). The Applicants respectfully disagree as neither Alberts, Eldering nor their combination teach categorizing a content site, categorizing messages, matching the message categorization with the site categorization to form a plurality of matched messages and classifying the plurality of matched messages according to a target criterion. Further neither Alberts, Eldering nor their combination teach classifying a plurality of messages according to a target criterion and selecting a message from the plurality of messages using a selection criterion.

Alberts teaches a banner advertising display system and method with frequency of advertisement control. Alberts teaches that a database has advertising campaign information, including identification information and frequency information for how often an ad is to be served. [Alberts, Abstract] Alberts further teaches that an ad server uses the campaign

information from the database to control the relative ratios of serving ads, the distribution of ads throughout the day, and any triggering mechanisms for controlling what ads are served. [Alberts, Abstract] Alberts also teaches that to obtain efficient distribution of the ads relative to each other and throughout the day, each ad is associated with at least two counters that are operated such that the system can quickly determine which ad is to be served. [Alberts, col. 1, line 66 - col. 2, line 4] It is also taught within Alberts that "[a]ds can be targeted to users seeking certain types of information, e.g., on a yellow pages system or on a search engine, access to 'photography' could cause the serving of an ad for a manufacturer of film; to users from particular geographic locations; to particular users; or to users at different times of the day." [Alberts, col. 2, lines 19-24] Alberts does not teach categorizing a content site, categorizing messages, matching the message categorization with the site categorization to form a plurality of matched messages and classifying the plurality of matched messages according to a target criterion. Further, Alberts does not teach classifying a plurality of messages according to a target criterion. As described above, Alberts teaches serving an ad targeted to users seeking a certain type of information. Alberts also does not teach selecting a message from the plurality of classified messages using a selection criterion. As also recognized within the Office Action, Alberts does not teach that a selection criterion comprises a price associated with the message. Eldering appears to be cited for this purpose.

Eldering teaches an advertisement selection system supporting discretionary target market characteristics. Eldering teaches an advertisement selection system in which vectors describing an actual or hypothetical market for a product or desired viewing audience can be determined. [Eldering, Abstract] Eldering also does not teach categorizing a content site, categorizing messages, matching the message categorization with the site categorization to form a plurality of matched messages and classifying the plurality of matched messages according to a target criterion. Further, Eldering does not teach classifying a plurality of messages according to a target criterion. Eldering also does not teach selecting a message from the plurality of classified messages using a selection criterion. Accordingly, neither Alberts, Eldering nor their combination teach categorizing a content site, categorizing messages, matching the message categorization with the site categorization to form a plurality of matched messages and classifying the plurality of matched messages according to a target criterion. Further, neither Alberts, Eldering nor their combination teach classifying a plurality of messages according to a

target criterion. Also, neither Alberts, Eldering nor their combination teach selecting a message from the plurality of classified messages using a selection criterion.

In contrast to the teachings of Alberts, Eldering and their combination, the system and method for distributing advertising space of the present invention maximizes the revenue generated by the advertising space. The system and method targets the advertising to those most likely to be interested in it, and thus most likely to act on the advertisement, either by purchasing advertised items or performing other acts related to the advertisement. The system and method categorize advertisements, thereby allowing the advertisements to be more efficiently targeted to consumers, and associate a price with each advertisement, thereby allowing the distribution of advertisements to be maximized.

As taught within the present specification, a Content Inventory and Deal Manager 310 accepts and rejects message deals, generating a list of acceptable message for transmission to a particular site, with message deals being categorized based on content, demographic classification, geographic classification, or other classification. [Present Specification, page 9, lines 18-21] As described above, neither Alberts, Eldering nor their combination teach categorizing a content site, categorizing messages, matching the message categorization with the site categorization to form a plurality of matched messages and classifying the plurality of matched messages according to a target criterion. It is further taught within the present specification that a "target is a category, channel, search engine keyword, a specific content page, a type of content, demographically identified content, geographically identified content, and any combination or variation of these." [Present Specification, page 11, lines 1-3]

The system and method of the present invention applies two criterion to determine which message is selected and delivered to a content site to be displayed. First, a plurality of messages are classified according to a target criterion. Then, one of the messages from the plurality of classified messages is selected using a selection criterion. The selection criterion comprises a price associated with the message. As described above, neither Alberts, Eldering nor their combination teach classifying a plurality of messages according to a target criterion. As also described above, neither Alberts, Eldering nor their combination teach selecting a message from the plurality of classified messages using a selection criterion.

The independent Claim 1 is directed to a method of distributing advertisements to a medium. The method of Claim 1 comprises determining a site categorization of a content site,

determining a message categorization for each of a plurality of messages, each message containing a corresponding advertisement, matching the message categorization with the site categorization to form a plurality of matched messages for the content site, classifying the plurality of matched messages according to a target criterion, selecting a message from the plurality of matched messages using a selection criterion, the selection criteria comprising a price associated with the message and delivering the selected message to the content site, the content site comprising a medium adapted to display the corresponding advertisement. As described above, neither Alberts, Eldering nor their combination teach determining a site categorization of a content site, determining a message categorization for each of a plurality of messages, each message containing a corresponding advertisement and matching the message categorization with a site categorization to form a plurality of matched messages for the content site. As further described above, neither Alberts, Eldering nor their combination teach classifying a plurality of messages according to a target criterion. As also described above, neither Alberts, Eldering nor their combination teach selecting a message from the plurality of classified messages using a selection criterion. For at least these reasons, the independent Claim 1 is allowable over the teachings of Alberts, Eldering and their combination.

Claims 2-15 and 17-20 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Alberts, Eldering and their combination. Accordingly, the Claims 2-15 and 17-20 are all also allowable as being dependent on an allowable base claim.

The independent Claim 22 is directed to a system for distributing advertisements to a medium. The system of Claim 22 comprises a database containing a plurality of messages organized by a targeting classification, a content inventory and inventory and deal manager configured to determine a site categorization of a content site, determine a message categorization for each of the plurality of messages, match the message categorization with the site categorization to form a plurality of matched messages for the content site and select a message from the plurality of matched messages according to a selection criteria, the selection criteria including a price metric and a message server configured to transmit the selected message from the database to a content site. As described above, neither Alberts, Eldering nor their combination teach determining a site categorization of a content site, determining a message categorization for each of the plurality of messages and matching the message categorization with the site categorization to form a plurality of matched messages for the content site. As

further described above, neither Alberts, Eldering nor their combination teach organizing a plurality of messages by a targeting classification. As also described above, neither Alberts, Eldering nor their combination teach selecting a message from the plurality of organized messages according to a selection criteria. For at least these reasons, the independent Claim 22 is allowable over the teachings of Alberts, Eldering and their combination.

Claims 23-32 are all dependent on the independent Claim 22. As described above, the independent Claim 22 is allowable over the teachings of Alberts, Eldering and their combination. Accordingly, the Claims 22-32 are all also allowable as being dependent on an allowable base claim.

The independent Claim 33 is directed to a system for distributing advertisements to a medium. The system of Claim 33 comprises an advertiser campaign manager configured to generate a plurality of campaigns, each campaign comprising a plurality of messages, targets, and a price associated with each message, each message having an associated advertisement, a storage device for storing the plurality of campaigns, a content inventory and deal manager configured to classify the plurality of messages according to the targets such that each target is associated with two or more classified messages, and to associate a price metric with each message, a marketplace configured to select a message from the database for distribution to a content site according to a selection criteria, the selection criteria including a price metric and a business rule of the content site and a message server configured to transmit the selected message to a content site, wherein the marketplace is coupled to the advertiser campaign manager, the storage device, the content inventory and deal manager, and the message server. As described above, neither Alberts, Eldering nor their combination teach classifying a plurality of messages according to a target. As also described above, neither Alberts, Eldering nor their combination teach selecting a message from the plurality of classified messages according to a selection criteria. For at least these reasons, the independent Claim 33 is allowable over the teachings of Alberts, Eldering and their combination.

Claims 34 and 35 are both dependent on the independent Claim 33. As described above, the independent Claim 33 is allowable over the teachings of Alberts, Eldering and their combination. Accordingly, the Claims 34 and 35 are both also allowable as being dependent on an allowable base claim.

Within the Office Action, Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Eldering and further in view of U.S. Patent No. 6,993,553 to Kaneko. Claim 16 is dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Alberts, Eldering and their combination. Accordingly, the Claim 16 is also allowable as being dependent on an allowable base claim.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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